



**UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

UNITED STATES OF AMERICA	)	
	)	
v.	)	Case No. 3:22-CR-00327
	)	
[1] CHESTER GALLAGHER	)	JUDGE TRAUGER
[2] HEATHER IDONI	)	
[3] CALVIN ZASTROW	)	
[4] COLEMAN BOYD	)	
[5] CAROLINE DAVIS	)	
[6] PAUL VAUGHN	)	
[7] DENNIS GREEN	)	
[8] EVA EDL	)	
[9] EVA ZASTROW	)	
[10] JAMES ZASTROW	)	
[11] PAUL PLACE	)	

**DEFENDANTS' MOTION TO DISMISS THE INDICTMENT  
ON GROUNDS OF SELECTIVE PROSECUTION; THAT FACE IS AN  
UNCONSTITUTIONAL CONTENT-BASED REGULATION OF SPEECH; VIOLATION  
OF THE RELIGIOUS FREEDOM RESTORATION ACT AND THE FREE EXERCISE  
CLAUSE; FOR LACK OF JURISDICTION; FOR THE PERSONHOOD OF THE  
UNBORN; AND MOTION TO DISMISS THE CONSPIRACY CHARGE,  
AND SUPPORTING MEMORANDUM OF LAW**

COME NOW Defendants Paul Vaughn, Coleman Boyd, Caroline Davis, Eva Edl, Chester Gallagher, Dennis Green, Heather Idoni, Paul Place, Calvin Zastrow, Eva Zastrow and James Zastrow, by and through counsel, and move the Court pursuant to LCrR 12.01(b) and Rule 12(b)(3)(A)(iv) of the Federal Rules of Criminal Procedure to dismiss the above-referenced Indictment. Defendants submit that the Government has engaged in selective and/or vindictive prosecution motivated by an intent to punish Defendants for the content of their viewpoints and their protected expressions thus making this case an unconstitutional application of the Freedom of Access to Clinic Entrances Act, 18 U.S.C. § 248(a) ("FACE"). In addition, FACE is an unconstitutional content-based regulation of speech; as applied, it violates the Religious Freedom